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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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07/990,854 12/11/92 DARBEE

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MARK R. GALIS  
ALTHEIMER & GRAY  
10 SOUTH WACKER DRIVE - SUITE 4000  
CHICAGO IL 60606

EXAMINER

EDWARDS JR, T

ART UNIT

PAPER NUMBER

2735

20

DATE MAILED:

06/08/99

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

*SEE ATTACHMENT*

# Office Action Summary

Application No.  
**07/990,854**

Applicant(s)  
**Darbee et al.**

Examiner  
**Timothy Edwards**

Group Art Unit  
**2735**



☒ Responsive to communication(s) filed on Mar 26, 1999

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-19 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☒ Claim(s) 3-5, 7-10, and 12-19 is/are allowed.

☒ Claim(s) 1, 2, 6, and 11 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed Apr 1, 1999 have been fully considered but they are not persuasive. As set forth below.

#### **Applicant's Arguments:**

- A) Prior art does not disclose a "reassignment means".

#### **Examiner's Remark:**

With regard to section A, 'prior art does not disclose a reassignment means, examiner directs applicant's attention to col 8, lines 29-48 in which Evans discloses, the selection of a key on the controller to serve as the program or sequence key, for a particular program sequence. A sequence of command codes are programmed to the program or sequence key, by selecting a sequence of commands functions from the selection the keys on the keypad, the sequence is executed when the program or sequence key is pressed. In col 7, lines 22-29 Evans discloses the means of storing all codes in memory and retrieving the codes memory. This would suggest that the command codes for a particular sequence or program is retrieved from the memory as needed. In col 4, lines 37-45 in which Evans discloses a variety of keys which have a common controller function. Evans, also discloses if a function is required for a particular device, any of these keys may be programmed to preform the function for such a device. Thus, Evans suggests the means for enabling one to assign one of the command functions to a key on the keypad upon inputting of

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a keystroke sequence on the keypad. This suggests the means to reassign a different function to any particular key. Therefore, examiner maintain office action dated Feb 9, 1999.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claims 1 and 11 rejected under 35 U.S.C. 102(e) as being anticipated by **Evans et al.** [US 4,825,200].

Considering (amended) claims 1 and 11, Evans et al. discloses a 'reconfigurable remote control transmitter' having all the claimed subject matter as noted; a remote control device comprising: a) a microprocessor including a CPU and a memory is addressed in col 4, line 67 and col 5, line 3, see fig 2; b) a keypad including a set of keys coupled to the microprocessor is addressed in col 4, lines 57-59, see fig 2; c) lamp driver circuitry coupled to the microprocessor, means for generating IR signals coupled to the IR lamp driver circuitry is addressed in col 5, lines 20-30, see fig 2; d) instructions and data in binary form stored in the memory for enabling

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command functions for controlling a plurality of devices manufactured by different manufactures, wherein the instruction and data are to be retrieved and supplied to the means for generating IR signals is addressed in col 4, line 67 to col 5, line 3 and col 7, lines 17-29 and line 67 to col 8, line 5; e) reassignment means for reassigning the instruction and data stored in memory associated with the command function is not specifically recited by Evans. However, in col 8, lines 29-48 Evans discloses, a selection of a key on the controller to serve as the program or sequence key for a particular program sequence. A sequence of command codes are programmed to the program or sequence key, by selecting a sequence of commands functions from the selection of keys on the keypad, the sequence is executed when the program or sequence key is pressed In col 7, lines 22-29 Evans discloses the means of storing all codes in memory and retrieving the codes memory. This would suggest that the command codes for a particular sequence or program is retrieved from the memory as needed. In col 4, lines 37-45 Evans discloses a variety of keys which have a common controller function Evans, also discloses if a function is required for a particular device, any of these keys may be programmed to preform the function for such a device. This suggests the means to reassign a different function to any particular key. Evans clearly addresses a means and method of reassigning instructions and data to other keys on the keypad. Evans' system functionally addresses this limitation; f) reassignment means includes, program instructions in binary form stored in the memory for enabling one to assign one of the command functions to a key on the keypad upon the inputting of a keystroke sequence on the keypad is addressed in col 4, lines 37-45 and col 8, lines 17-63.

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Considering claim 2, the remote control device keypad includes device keys, mode keys and alpha-numeric keys is addressed in fig 1.

Considering claim 6, the key reassignment table includes, for each key, key identity mode data, device data format, and command function data is addressed in col 4, lines 23-27 and lines 40-45, also, col 7, lines 38-47, col 8, lines 44-48 and col 9, lines 25-52

*Allowable Subject Matter*

4. Claims 3-5, 7-10 and 12-19 are allowed.
5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ehlers [US 4,626,848] and Welles, II [US 4,623,887] cited prior art discloses reconfigurable remote controls having means to learn and assigned the learnt codes to an existing key on the keypad and repeat the learnt codes.
6. The following is a statement of reasons for the indication of allowable subject matter:  
A search of prior art does not disclose a method of reassigning key functions. However, Evans et al., Ehlers or Welles, II does not disclose a method of using 'a combination of letter keystrokes and number keystrokes to accomplish the task of reassigning key functions on a keypad, also a

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method of storing the key identity and current mode into a "FROM" entry in the key reassignment table and obtaining with the program instructions device data format and command function data corresponding to the function and mode selected from the key reassignment table and storing the data obtained in a "TO" entry in the key reassignment table'. With respect to claim 12 and 19 the remote control device comprising, 'a first and second device keys operatively connected to select a first and second device mode, the operation of a predetermined function keys performs respective functions on the first device when the first device mode is selected and such that operation of the predetermined function keys performs respective functions on the second device when the second device mode is selected'. The differences between this method of reassigning key functions and those disclosed by Evans et al., which use a methods of selecting a key to be reassigned and then selecting the device, from the keypad, to which the key is to control and the code function. This process is repeated for any desired number of devices and functions within one sequence of operation. Evans does not teach or suggest a method of reassigning key functions using alpha and numeric keys on the keypad in a predetermined sequence to reassign key functions.

7. Any inquiry concerning this communication should be directed to Examiner Timothy Edwards at telephone number (703) 305-4896. The examiner can normally be reached on Monday-Thursday, 8:30a-4:00p. The examiner can not be reached on Fridays.

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If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik, can be reached on (703) 305-4704.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-8576, Mon-Fri, 8:30a-5:00p.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 308-9051, (for formal communications intended for entry)

**Or:**

(703) 305-3988 (for informal or draft communications, please label

"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA.,

Sixth Floor (Receptionist).

Timothy Edwards, Jr.  
June 1, 1999

MICHAEL HORABIK  
SUPERVISORY PATENT EXAMINER  
GROUP 2700

